

FILED

NOV 08 2019

UNITED STATES DISTRICT COURT

for the
Western District of TexasCLERK, U.S. DISTRICT CLERK
WESTERN DISTRICT OF TEXAS
BY SW DEPUTY

United States of America

v.

Thomas Alan Arthur

Case No. P-19-M-3030Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 7, 2019 in the county of Brewster in the
Western District of Texas, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. § 1462	Importation or transportation of obscene matters
18 U.S.C. § 1466	Engaging in the business of selling or transferring obscene matter
18 U.S.C. § 1466A	Obscene visual representations of the sexual abuse of children

This criminal complaint is based on these facts:

See affidavit of FBI SA Jeremy Ewan, incorporated herein

☒ Continued on the attached sheet.Jeremy Ewan
Complainant's signature

Jeremy Ewan, Special Agent, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date:

11/8/2019

City and state:

Alpine, TexasDavid B. Fannin
Judge's signature

U.S. Judge David B. Fannin

Printed name and title

AFFIDAVIT

I, Jeremy Ewan, a Special Agent with the Federal Bureau of Investigation, being duly sworn, hereby depose and state as follows:

1. I am a Special Agent (SA) of the Federal Bureau of Investigation (FBI). I have served as an SA for the FBI since March, 2018. I am currently assigned to the FBI Resident Agency in Alpine, Texas, where I am responsible for conducting investigations of federal criminal violations. I have training and experience in the investigation of human trafficking and child pornography. I also have a Bachelor of Science degree in accounting and have extensive experience investigating frauds and other white collar crimes. Prior to working for the FBI, I was a sworn police officer in the state of Montana for 11 years. That time included five years at the Montana Department of Justice, where I investigated a variety of felony crimes, including homicides and other violent crimes. I am currently assigned to the investigation of Thomas Arthur. Specifically, he is accused of;
2. Beginning at a date unknown, but at least by January 2005, and continuing to on or about November 7, 2019, in the Western District of Texas, and elsewhere, Thomas Arthur has been the owner and operator of a website, referred to herein as Website A,¹ that trafficks in text stories about the sexual abuse of children.
3. On the homepage of Website A, it states that it is a "text only site, no pictures." The site charges subscribers a fee to access what it claims are more than 25,000 stories by more than 2,200 authors. The site lists a copyright on the bottom of its homepage indicating that it has been active since 1996. Most of the stories on the site graphically describe instances of rape, incest, and adults sexually abusing children. Regular subscriptions are advertised at \$10 per month, \$25 for three months, \$50 for six months or \$90 per year. Subscribers are required to provide an email address and a method of payment when registering for an account.
4. The site offers free or reduced-price subscriptions for users who submit stories. Authors are required to submit a minimum number of stories and wait at least one month before they are granted complimentary access. The instructions state that an author must submit "25K" for complimentary access. From the context of the statement and the length of most of the stories, I believe the instructions refer to 25,000 words of content. Instructions posted on the site inform authors that they should write the stories under a penname, and that for privacy, they should choose a penname that does not match any other online profiles they use. The site instructs authors that all genres of erotic stories are permitted. It also instructs writers to put abbreviated codes with the title of their stories so readers can search for topics that interest them (e.g., "inc" for incest or "ped" for pedophile).

¹ The actual name of the website is known to law enforcement, but because some of the users of the website are still under investigation, it will be referred to as Website A so as not to jeopardize the ongoing investigation.

5. Between September 24, 2019 and October 24, 2019, in an undercover capacity, FBI agents accessed Website A using the credentials of a paid subscriber, who gave the FBI permission to use his credentials.
6. On October 24, 2019, I downloaded five stories from Website A. Copies of those stories were attached as SEALED Exhibits 1-5 to the Search Warrant authorized by the Honorable District Judge David Counts and hereby incorporated by reference. While downloading stories to attach as exhibits, I observed that subscribers are able to browse the website's most popular stories of the past day. I browsed those stories and observed that they all involved the sexual abuse of a child.
7. Although the stories on Website A are accompanied by disclaimers stating that they are fictional, they are frequently written in the first person and depict acts of child sex abuse that are within the realm of possibility. One author described traveling to various public beaches and abducting children. Others wrote about child sex abuse by parents, teachers and other figures of authority.
8. Although Website A features numerous disclaimers indicating that all of the stories are fictional, a significant percentage of the subscribers I have identified so far have prior convictions for sex crimes against children. Thus far, I have positively identified approximately 19 Website A subscribers through a combination of bank records and FBI databases. Of those, nine were registered sex offenders for either child sex abuse, child pornography or both. Another is currently awaiting trial in a Utah state court for possessing child pornography and sexually abusing a child. Another was identified as a suspect in a 2007 FBI investigation into an online child pornography ring.
9. I identified nine instances between 2004 and 2018 where the FBI was investigating a subject for child pornography and found that the subject accessed Website A. Eight of the subjects were eventually convicted of child pornography offenses and the ninth committed suicide after indictment.
10. Website A authors publish stories under usernames. A review of those usernames showed that many of them were the same as or similar to usernames that appeared in unrelated FBI investigations into child pornography and child sex abuse on other internet forums or peer-to-peer networks. From my training and experience, I know that it is common for traders of child pornography to use the same or similar usernames across a variety of online platforms.
11. Each author on Website A has his/her own author page. On one author's page, I observed a drawing of what appeared to be a naked prepubescent female masturbating. The drawing depicted the child's breasts and genitals in graphic detail. Next to the drawing, the author wrote: "Welcome to my webpage. I specialize in stories about little girls having sex..."

12. The National Center for Missing and Exploited Children (NCMEC) operates the CyberTipline. The CyberTipline collects reports from internet service providers and the general public about the sexual exploitation of children on the internet. I contacted NCMEC and was advised that the CyberTipline has received more than 40 reports involving Website A since 2000.
13. On October 23, 2019, in an undercover capacity, I accessed Website A as a prospective user on the publicly available page, and observed a link to submit questions about account access. I submitted a question and received an emailed response later that day. The email originated from Thomas Arthur's IP address at his home in Alpine, Texas.
14. In 2008, law enforcement conducted a forensic analysis on the electronic devices of a Website A author. That analysis revealed multiple email communications in 2005 and 2006 between that author and a person using the same email address that responded to my question on October 23, 2019.
15. There are multiple facts that demonstrate that Thomas Arthur was using the Website A email address during the exchange of emails in 2005/2006. For example, all of the emails from Website A host email address account are signed "Tom". Additionally, an email on January 27, 2005 from "Tom" stated: "I am married"; "I am about to turn 50 next year"; and "I've been married now for some 18mos." Thomas Arthur was born in May 1956, which would mean he turned 50 in May 2006. Additionally, as noted above, Thomas and Sandra Arthur appear to be married, though no official records are known. It is unclear when they began holding themselves out to the public as married. Finally, in a January 28, 2005 email, "Tom" stated, "I still live in this 35yo 850sqft house sitting on \$100/acre land." The tax assessor records for Thomas Arthur's residence in Alpine show the house has 800 square feet. It does not list a year built.
16. Records from the Texas Workforce Commission and the Arthurs' financial institutions showed that both Thomas Arthur and his wife claim to be self-employed computer consultants. I reviewed accounts from two different banks and did not observe paychecks deposited at either institution nor did I see payments for what appeared to be computer consulting work.
17. Thomas Arthur deposited checks and money orders totaling between approximately \$600 and \$1,500 per month between 2016 and 2019. Thomas Arthur also received substantial transfers from an account that received deposits from a company that processed credit and debit card transactions. Thomas Arthur received between \$10,000 and \$13,000 each month in card sales in 2018 and 2019.
18. On November 7, 2019, agents with the FBI, Texas Department of Public Security, and Homeland Security executed a search warrant on the property of Thomas and Sandra Arthur located at 1250 and 1260 Angel Road, Alpine, Texas 79830.

19. On November 7, 2019, FBI SA Clay Trant and Texas Department of Public Safety Trooper Derek Pearson attempted to interview Thomas Arthur. Arthur initially declined to speak with agents, but later reinitiated contact. Arthur agreed to speak with Trant and Pearson after being advised of his Miranda warnings. Arthur told agents that he operates the websites Website A and slutgirls4u.com. These websites are his sole sources of income. He does not have any employees and operates the websites himself. He stated he has over 800 subscribers to Website A and each subscriber is charged approximately \$20 for a subscription. Website A has subscribers in foreign countries, and Arthur also publishes stories on Website A in foreign languages. Subscribers submit stories electronically to Website A for publication. Arthur publishes almost all of the stories he receives from his subscribers. The only circumstances under which he would not publish a story received from a Website A subscriber would be if the content of the story did not relate to erotica, the story did not make sense, or the story contained too many grammatical or punctuation errors. Most of the stories Arthur receives relate to child erotica. He acknowledged that the subscribers to Website A may have drawings on their author pages depicting children engaging in sexual acts, but he claimed these images were art.
20. Therefore, I believe there is probable cause that Thomas Arthur:
 - a. by operating Website A, has trafficked obscene stories about the sexual abuse of children, in violation of 18 U.S.C. § 1462;
 - b. has engaged in the business of selling and transferring obscene material, namely stories about the sexual abuse of children, via Website A, in violation of 18 U.S.C. § 1466;
 - c. possessed with intent to distribute, a visual depiction, including a drawing, that depicts a minor engaging in sexually explicit conduct and is obscene, in violation of 18 U.S.C. § 1466A(a).
21. I contacted AUSA Monica Morrison and AUSA Austin M. Berry, who authorized these charges.
22. A conviction for a violation of:
 - a. 18 U.S.C §§ 1462 or 1466 carries a maximum term of 5 years imprisonment; a term of supervised release not to exceed 1 year; a \$250,000 fine and a \$100 special assessment;
 - b. 18 U.S.C. § 1466A(a) carries a minimum mandatory term of 5 years imprisonment, not to exceed 20 years; a 5-year minimum mandatory term of supervised release, up to life; a \$250,000 fine, and a \$100 special assessment.

Respectfully submitted,

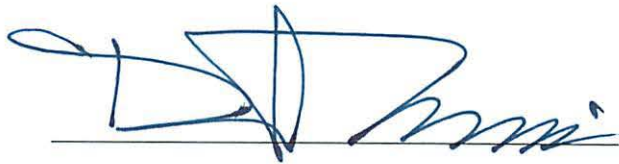


Jeremy Ewan

Special Agent

Federal Bureau of Investigation

Subscribed and sworn to before me on Nov. 8th, 2019.



David B. Fannin

United States Magistrate Judge

Western District of Texas